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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,357	05/03/2001	Ari Kangras	040000-741	6891

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EXAMINER

TORRES, MARCOS L

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 09/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/847,357

Applicant(s)

KANGRAS ET AL.

Examiner

Marcos L Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Mitzlaff.

As to claim 1, Mitzlaff discloses a method for determining the position of a mobile station within a telecommunications system (see col. 1, lines 7-10), the method comprising the steps of: performing a plurality of measurements associated with a plurality of mobile stations; estimating the position of the plurality of mobile stations based on said plurality of measurements (see col. 2, lines 5-13); creating calibration parameters based on the estimated positions and said plurality of measurements; and refining the estimated positions of the plurality of mobile stations based on the plurality of measurements associated with the mobile stations and said estimated calibration parameters (see col. 2, line 39 – col. 3 line 30; col. 4, lines 7-23, 38-58).

As to claim 2, Mitzlaff discloses the method wherein said pluralities of measurements are time of arrival measurements and calibration parameters are

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real time difference values (see col. 4, lines 7-23, 38-58; col. 5, line 8 - col. 6, line 7).

As to claim 3, Mitzlaff discloses the method wherein said time of arrival measurements is performed by the mobile station (see col. 4, lines 44-47).

Regarding claims 13-14, they are the corresponding system claims of method claims 1-2. Therefore, claims 13-14 are rejected for the same reason shown above.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

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Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitzlaff in view of Wylie.

As to claim 5, Mitzlaff discloses the method wherein said plurality of measurements are time of arrival measurements (see col. 5, lines 12-15). Mitzlaff do not specifically discloses were the calibration parameters are base station locations. Wylie discloses were the calibration parameters are base station locations (see fig. 5, step 41). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings in order to have a reliable location information calculation.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitzlaff in view of Hall.

As to claim 6, Mitzlaff discloses everything claimed as explained above except for wherein said plurality of measurements are angle of arrival measurements made by the network and said calibration parameters are angle of arrival biases. Hall discloses wherein said plurality of measurements are angle of arrival measurements made by the network and said calibration parameters are angle of arrival biases (see col. 2, lines 10-12; col. 4, line 49 – col. 5, line 4). Therefore, it would have been obvious to one of the ordinary skill in the art at the

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time of the invention to use this method to have the ability of determine the location of the mobile station.

8. Claims 4 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitzlaff in view of Wimbush.

As to claims 7-9, Mitzlaff discloses everything claimed as explained above except for the method wherein said plurality of measurements are signal strength measurements performed by the telecommunications network and said calibration parameters are parameters in a model relating signal strength to location. Wimbush discloses the method wherein said plurality of measurements are signal strength measurements performed by the telecommunications network and said calibration parameters are parameters in a model relating signal strength to location (see col. 4, lines 15-24). Wimbush do not specifically discloses the mobile station performs signal strength measurements. However, since he discloses this method made by the network, one of the ordinary skill in the art will know that no matter where the measurement are taken (base or mobile) the measurements are going to be the same. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for the simple purpose of locating a mobile station.

As to claim 4, Mitzlaff discloses everything claimed as explained above except for the method wherein said time of arrival measurements are performed by the telecommunications network. However, OFFICIAL NOTICE is taken that the method wherein said time of arrival measurements are performed by the telecommunications network is common and well-known method. Therefore, it

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would have been obvious to one of the ordinary skill in the art at the time of the invention to use time of arrival measurement in the network in order to calculate position information.

9. Claims 10-12 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitzlaff in view of Ffoulkes-Jones.

As to claims 10-12, Mitzlaff discloses method of estimating bias errors in parameters used for mobile station positioning and refining the estimated mobile station position (see col. 2, line 39 – col. 3 line 30; col. 4, lines 7-23, 38-58), Mitzlaff do not specifically discloses the method comprising the steps of: estimating the position of a mobile station assuming no biases; deriving a first order approximation of the mobile station position as a function of the bias; estimating the biases using the first order approximation equation; and refining the estimated mobile station position using the bias estimation. Ffoulkes-Jones discloses estimating the position of a mobile station assuming no biases; deriving a first order approximation of the mobile station position as a function of the bias; estimating the biases using the first order approximation equation; and refining the estimated mobile station position using the bias estimation (see col. 7, line 3 – col. 9, line 19). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for an enhanced precision location system.

Regarding claim 15-17, they are the corresponding system claims of method claim 7 and 10-11. Therefore, claims 15-17 are rejected for the same reason shown above.

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***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Maloney U.S. Patent US006047192A
- b. Maloney U.S. Patent US006108555A
- c. Nielsen U.S. Patent US006249253B1
- d. Hilsenrath U.S. Patent US006026304A
- e. Stilp U.S. Patent US006334059B1
- f. Bevan U.S. Patent US006489923B1

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Hand delivered responses should be brought to:

Crystal Park II  
2121 Crystal Drive  
Arlington, VA  
Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L Torres whose telephone number is



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703-305-1478. The examiner can normally be reached on 8:00am-5:30pm alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G Trost can be reached on 703-305-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Marcos L Torres  
Examiner  
Art Unit 2683

Mlt

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600